

Hearing Date: April 19, 2023 at 10:00 a.m.
Objection Deadline: February 13, 2023

KOBRE & KIM LLP

800 Third Avenue
New York, New York 10022
Telephone: (212) 488-1200
Zachary.Rosenbaum@kobrekim.com
Adam.Lavine@kobrekim.com
Donna.Xu@kobrekim.com

Attorneys for Defendants

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

v.

EFG BANK S.A., f/k/a EFG Private Bank S.A.,
EFG BANK (MONACO) S.A.M., f/k/a EFG
Eurofinancière d'Investissements S.A.M., and
EFG BANK & TRUST (BAHAMAS)
LIMITED, as successor-in interest to Banco
Atlántico (Bahamas) Bank & Trust Limited

Defendants.

Adv. Pro. No. 12-01690 (CGM)

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NOTICE OF MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT

PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of Motion to Dismiss Plaintiff's Amended Complaint and the accompanying Declaration of Paul A. Kanellopoulos dated as of the date hereof and exhibits thereto, and all prior pleadings and proceedings herein, Defendants EFG Bank S.A. (a/k/a EFG Bank AG) ("EFG Bank"), EFG Bank (Monaco) S.A.M. ("EFG Monaco"), and EFG Bank & Trust (Bahamas) Limited ("EFG Bahamas," and collectively, the "EFG Defendants,") will move this Court on April 19, 2023 at 10:00 a.m. (prevailing Eastern time), or as soon thereafter as counsel may be heard, for an order dismissing the Amended Complaint (Dkt. No. 100) filed by Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012 of the Federal Rules of Bankruptcy Procedure.

PLEASE TAKE FURTHER NOTICE that, pursuant to a Stipulation and Order, any oppositions to this motion shall be filed by February 13, 2023 and any reply in further support of this motion shall be filed by March 15, 2023.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, Defendant does not consent to the entry of final orders or judgment by this Court.

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Dated: December 13, 2022
New York, New York

Respectfully Submitted,

/s/ Adam M. Lavine

KOBRE & KIM LLP

Zachary D. Rosenbaum

Adam M. Lavine

Donna (Dong Ni) Xu

800 Third Avenue

New York, New York 10022

Telephone: (212) 488-1200

Zachary.Rosenbaum@kobrekim.com

Adam.Lavine@kobrekim.com

Donna.Xu@kobrekim.com

Attorneys for Defendants